

Chevy Chase Village Board of Managers

February 12, 2007

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Absent
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Michael W. Younes, Administrative Assistant	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:31 p.m. Ms. Eig arrived at 7:35 p.m.

Approval of Minutes from the January 8, 2007 Board Meeting

Mr. Winstead made a motion to approve the minutes of the January 8, 2007 Board Meeting. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

Committee Reports

Building Facilities Commission

Mary Anne Tuohey, Chair of the Building Facilities Commission, outlined upcoming events to be held in the Village Hall. The Annual Village Art Show will open on Saturday, March 24 at 3:00 p.m. and Wes Nichols of 3920 Oliver Street has agreed to coordinate a spring concert for a Friday evening in May. Ms. Tuohey added that new chairs for the recently completed conference room should be delivered in time for the Annual Meeting. Discussion followed.

Presentation on Photo Speed Cameras

Chief Gordon outlined the photo speed enforcement program and recent vehicle speed study the Village had conducted on the Connecticut Avenue corridor. Chief Gordon stated that on average the Police Department issues forty-four (44) speeding citations and responds to fourteen (14) collisions a month on Connecticut Avenue. Since 1999, the highest speed recorded was 96 miles

per hour (mph). Chief Gordon added that the department has entered into a grant program with the National Highway Traffic Safety Administration (NHTSA), called Smooth Operator, where five (5) weeks out of the year Village Police Officers work overtime at no cost to the Village to write citations specifically for aggressive driving and speeding.

Chief Gordon outlined the recent speed study the Village had conducted. A synopsis of his presentation follows:

- The State of Maryland passed a law allowing photo speed enforcement in only Montgomery County. The Village and Cities of Rockville, Gaithersburg and Takoma Park have partnered with Montgomery County to implement photo speed enforcement.
- The civil fine is \$40, which is issued to the registered owner of the vehicle. The fine has no effect on the owner's record or insurance rates.
- North and southbound Connecticut Avenue each average more than 17,000 vehicles per day.
- Approximately 35% of vehicles travel on Connecticut Avenue at speeds of 40 mph or greater. The posted speed limit is 30 mph. The majority of speeding occurs in the middle lane and during the rush hours.
- Average speed along Connecticut Avenue is 37 mph.
- Based on a NHTSA study in 2005, approximately 35% of all traffic related fatalities in Maryland were speed related.

As of Friday, February 9, the vendor, Affiliated Computer Services (ACS), has signed a contract with the County. The Village and the other partnering municipalities will piggyback the County's contract.

The following changes were submitted by Ms. Eig.

Chief Gordon stated that the advantage of having a photo speed enforcement program is that it allows Village officers to concentrate more time in residential areas and instead of on Connecticut Avenue. Automated programs are often more effective than officer enforcement in changing driver behavior because the cameras can issue hundreds of citations per hour while an officer can write, on average, five (5) citations per hour. The disadvantage of the program is that there is not immediate contact with the violator because the citation is mailed to the registered owner of the vehicle within fourteen (14) days of the violation. Another disadvantage is that the cameras will not know if the driver is drunk or if there are drugs in the car.

Dr. Kamerow asked Chief Gordon to explain the process used to issue the citations. Chief Gordon responded by stating that once the camera takes pictures of the violating vehicle's license plate, the photo is sent to the vendor's offices for review and the license plate is checked through the Motor Vehicle Administration's records database. As long as the car in the picture and the records match, the picture and information are sent to the Village to accept or reject a citation's issuance. Confirmation of acceptance or rejection is then transmitted back to the vendor whose staff then mails a written citation.

Mr. Yeo asked how bright the flashes on the cameras are at night and if infrared flashes were available. Chief Gordon responded that the plan is to use cameras with infrared flashes where flashes may intrude through resident's windows.

Peter Clark of 5503 Montgomery Street asked if there is any evidence that these programs have effectively modified behavior of drivers. Chief Gordon responded that areas such as the District of Columbia have seen aggressive driving diminish.

Margaret Cook of 5410 Center Street asked how often the equipment is calibrated. Chief Gordon responded that all of the equipment is calibrated and tested daily.

Porter Wheeler of 4 Oxford Street asked if the cameras cover all lanes and if citations can be issued and collected from out-of-state drivers. Chief Gordon responded that the cameras cover all lanes and that the citations can be issued and collected from out-of-state drivers

Mr. Winstead asked how the money collected by the program could be used. Chief Gordon responded that as the law is written, monies collected from the program can be used solely to increase expenditures for related public safety purposes and that revenue from this program may not supplant existing expenditures for the same purpose.

Decisions on Previous Appeals

None.

Appeals

A-1597: Ms. Harriet Klosson, 4 Newlands Street—(a) Removal of one Leyland Cypress tree measuring 16.2-inches in diameter located in the rear yard of the property; (b) removal of one Leyland Cypress tree measuring 8.5-inches in diameter located in the rear yard of the property; (c) removal of one Leyland Cypress tree measuring 10.0-inches in diameter located in the rear yard of the property; (d) removal of one Leyland Cypress tree measuring 10.0-inches in diameter located in the rear yard of the property; (e) removal of one Leyland Cypress tree measuring 8.0-inches in diameter located in the rear yard of the property. Ms. Klosson was in attendance and presented her request.

Samuel Lawrence, member of the Tree Committee, stated the Leyland Cypress trees have gotten “out-of-hand” and that the Committee supported removal of the trees, adding that there is no real space for reforestation. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the (a) removal of one Leyland Cypress tree measuring 16.2-inches in diameter located in the rear yard of the property; (b) removal of one Leyland Cypress tree measuring 8.5-inches in diameter located in the rear yard of the property; (c) removal of one Leyland Cypress tree measuring 10.0-inches in diameter located in the rear yard of the property; (d) removal of one Leyland Cypress tree measuring 10.0-inches in diameter located in the rear yard of the property; and (e) removal of one Leyland Cypress tree measuring 8.0-inches in diameter located in the rear yard of the property. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

A-1603: Mr. and Mrs. Porter Wheeler, 4 Oxford Street—(a) Removal of one Leyland Cypress tree measuring 11.6-inches in diameter located in the east side yard of the

property; (b) removal of one Crab Apple tree measuring 11.4-inches in diameter located in the rear yard of the property; (c) removal of one Leyland Cypress tree measuring 15.0-inches in diameter located in the rear yard of the property; (d) removal of one Apple tree measuring 8.0-inches in diameter located in the west side yard of the property; (e) removal of one Crab Apple tree measuring 12.0-inches in diameter located in the rear yard of the property; (f) removal of one Crab Apple tree measuring 10.0-inches in diameter located in the rear yard of the property. Mr. Wheeler was in attendance and presented his request.

Samuel Lawrence, member of the Tree Committee, stated the Leyland Cypress tree on the east side of the house should be removed. Mr. Lawrence added that the two (2) apple trees are well developed and have a pretty canopy. Mr. Lawrence stated that the Committee's recommendation was for removal of the trees, provided the applicants reforest. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the (a) removal of one Leyland Cypress tree measuring 11.6-inches in diameter located in the east side yard of the property; (b) removal of one Crab Apple tree measuring 11.4-inches in diameter located in the rear yard of the property; (c) removal of one Leyland Cypress tree measuring 15.0-inches in diameter located in the rear yard of the property; (d) removal of one Apple tree measuring 8.0-inches in diameter located in the west side yard of the property; (e) removal of one Crab Apple tree measuring 12.0-inches in diameter located in the rear yard of the property; (f) removal of one Crab Apple tree measuring 10.0-inches in diameter located in the rear yard of the property, provided the applicants reforest at least a River Birch (*Betula nigra*) and Sourwood (*Oxydendrum arboretum*) as shown in their landscape plan, or with at least two (2) deciduous hardwood canopy trees, which must be at least 2 ½ inches in caliper at the time of installation and must be of a species that achieves a mature height of at least 45 feet. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. Mr. Wheeler asked for the decision to be expedited.

Old Business

April Regular Board Meeting Date Change

Dr. Kamerow reminded the Board and those in attendance that the April regular meeting of the Board of Managers had been moved from Monday, April 2 to Monday, April 9 but that the Annual Meeting will be held, as usual, on the third Monday, April 16.

Building Regulations Consultants Discussion and Selection

Mr. Winstead stated that on Monday, January 29, the Board interviewed two (2) candidate consultants, Winter and Company and Jakubiak & Associates, Inc. Mr. Winstead explained that both candidates were well qualified. Jakubiak & Associates, Inc. has had experience in Maryland and is currently working in the Town of Chevy Chase. Winter and Company has national experience working with historic communities and encourages community support and feedback during the building regulation review process.

Ms. Eig, Mr. Yeo and Mr. Jones stated that they felt that Winter and Company was a better candidate for what the Village wants to accomplish.

Ms. Feldman asked for clarification on how Winter and Company compared to Jakubiak & Associates, Inc. based on pricing and a timeframe to complete the work. Mr. Biddle responded that the two (2) consultants are \$5 apart on their hourly rate and that preliminary estimates for both are at \$20,000 for work in this fiscal year ending June 30, and for FY2008 net of legal services, an additional \$50,000 is a current estimate for both. Both companies estimated that it would take nine (9) months to complete the work. Mr. Biddle added that drafting and reviewing ordinances would be included in that timeframe.

Phillip Sheridan of 5416 Center Street representing the Concerned Citizens Group, thanked the Board of Managers and the Village Manager for the systematic and objective process undertaken and voiced the group's support in favor of Winter and Company.

Bob Riderwood of Oliver Street stated that interim measures need to be taken and suggested imposing a moratorium on new building until new regulations and ordinances are drafted and enacted. He added that he hoped that the review process would not go on for nine (9) months without some action.

Ms. Tuohey voiced her support in favor of Winter and Company.

The Board directed Mr. Biddle to negotiate the scope of work and a contract with Winter and Company for Board approval at its March 12 regular meeting.

Permit Parking Report

Chief Gordon outlined the recent issues associated with permit parking within portions of the Village. He stated that the majority of complaints and problems occur along the blocks east of the Buffer and west of Kirkside Drive.

The Chief stated that depending upon officer availability, parking restriction enforcement begins at 7:30 a.m. by marking those cars without a permit, and then responding back to the location after two (2) hours to issue citations to the violators that remain. If complaints are received by the Communications Center during that two (2) hour window an officer may be able to return at the two-hour point and check those cars in the zone or in the area of the complaint, but can not issue any citations until the two-hour (2) window expires.

The Chief recommended that parking be restricted to permit holders only, 24 hours a day in Zones 1 and 3 and the 4100 block of Oliver Street.

Dr. Kamerow asked what would happen if residents had a party or contractors working on their homes. Chief responded the residents could call the Communications Center to request that courtesy be extended to those parking in and around their home. Contractors are also instructed to place a sign in the windshield of their vehicle stating the address where they are working.

Ms. Feldman suggested that the residents in the previously mentioned zones be surveyed for their feedback.

The Board recommended holding a public hearing on the proposed changes at the March 12 Board Meeting and directed staff to, independent of the formal *Crier* public hearing notice, provide written notice of the proposal and hearing to all residents in the area under scrutiny.

Ms. Cook asked what the cost of a parking permit was and stated that she did not feel that residents should have to pay for the permits. The Board agreed that the parking permit fee should be eliminated and directed Counsel to draft an ordinance eliminating the fee.

New Business

Administrative Staffing

Mr. Biddle stated that his original plan to convert an existing part-time staff member to full-time while Ms. Davis-Cook was on maternity leave did not work out and requested Board approval to proceed with hiring an additional person to serve as a plan and permit reviewer and code enforcement officer who could train with Ms. Davis-Cook prior to her maternity leave and serve as such during her leave. This dedicated position is already included in the FY2008 budget now being reviewed by the Budget Committee.

The Board unanimously approved Mr. Biddle's request to proceed with hiring an additional person to assist in the plan and permit reviewing process.

Resolution No. 02-01-07: A Resolution to establish fees to be charged in connection with the searching for, preparing, and reproducing of public records pursuant to the Maryland Public Information Act. Mr. Biddle stated that the resolution provides fees for copying, searching and reprinting of requested documents in response to requests pursuant to the Maryland Public Information Act.

Mr. Podolsky stated that the first two (2) hours of research are free and, under state law, after the initial two (2) hours, the Village can charge for searching, copying and reproduction to recapture its costs.

This resolution provides a fee structure for those requests.

Ms. Eig made a motion to approve Resolution No. 02-01-07. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Board Election Process

Dr. Kamerow asked Counsel if it would be appropriate to change the Board election process to allow residents to vote by mail or other methods as suggested in a letter to fellow board members from absent member, Betsy Stephens.

Mr. Podolsky stated that such a change in the election process would require a charter amendment and could not be in place in time for this year's election. Mr. Podolsky outlined the charter amendment process. The Board agreed to discuss the request at the March 12 Board meeting when Ms. Stephens would be present.

Chairman's Report

None.

Manager's Report

Annual Meeting

Mr. Biddle stated that there has been interest in holding a social event for new residents prior to the Annual Meeting. It has been suggested that there be a one-hour social event prior to the Annual meeting. The Board agreed.

Police Report

The monthly Police Report was distributed to the Board prior to the meeting. Discussion followed.

Mr. Winstead made a motion to adjourn the open meeting to meet in a closed session to consult with Counsel to obtain legal advice regarding a possible moratorium. Ms. Eig seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The meeting adjourned at 9:42 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.